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Attorney for Plaintiff Casey Morgan

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CASEY MORGAN,

Plaintiff,

v.

ANDREW SAUL,
Commissioner of Social Security,

Defendant.

Case No.: 2:20-CV-0252-EFB

STIPULATION AND ORDER APPROVING
SETTLEMENT OF ATTORNEY FEES AND
COSTS PURSUANT TO THE EQUAL
ACCESS TO JUSTICE ACT,
28 U.S.C. §2412(d)

IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel, subject to the Court's approval, that Plaintiff be awarded SIX THOUSAND FOUR HUNDRED THIRTY-EIGHT DOLLARS AND TEN CENTS (\$6,438.10) under the Equal Access to Justice Act ("EAJA"), consisting of SIX THOUSAND FOUR HUNDRED DOLLARS (\$6,400.00) in attorney fees and THIRTY-EIGHT DOLLARS AND TEN CENTS (\$38.10) in expenses, and zero costs. These amounts represent compensation for legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§1920, 2412(d).

After the Court issues an order for EAJA fees and costs to Plaintiff, the Government will consider the matter of Plaintiff's assignment of EAJA fees and costs to Plaintiff's attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the

1 Treasury's Offset Program. After the order for EAJA fees and costs is entered,
2 the Government will determine whether the fees are subject to any offset. If
3 the Department of the Treasury determines that Plaintiff does not owe a federal
4 debt, the Government shall cause the payment of fees and costs to be made
5 directly to Barbara Marie Rizzo, pursuant to the assignment executed by
6 Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

7 This stipulation constitutes a compromise settlement of Plaintiff's
8 request for EAJA attorney fees and costs and does not constitute an admission
9 of liability on the part of Defendant under the EAJA. Payment of the agreed
10 amount shall constitute a complete release from, and bar to, any and all claims
11 that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney
12 fees and costs in connection with this action.

13 This award is without prejudice to the rights of Plaintiff's counsel to
14 seek attorney fees pursuant to the Social Security Act, 42 U.S.C. §406(b),
15 subject to the offset provisions of the EAJA.

16 Respectfully submitted,

17 Dated: August 3, 2020

"/s/Barbara Marie Rizzo"
BARBARA MARIE RIZZO
Attorney for Plaintiff

19 Dated: August 3, 2020

"/s/Marcelo N. Illarmo"
MARCELO N. ILLARMO
(As authorized via e-mail)
Special Assistant United States Attorney
Attorney for Defendant
Andrew Saul, Commissioner
of Social Security

1 PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded
2 attorney fees in the amount of SIX THOUSAND FOUR HUNDRED DOLLARS (\$6,400.00)
3 and expenses in the amount of THIRTY-EIGHT DOLLARS AND TEN CENTS (\$38.10), as
4 authorized by 28 U.S.C. §§ 1920, 2412(d), subject to the terms of the above
5 referenced Stipulation.

6 IT IS SO ORDERED.

7 Dated: August 5, 2020.


HON. EDMUND F. BRENNAN
United States Magistrate Judge